

The Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware
corporation; and AMAZON.COM SERVICES
LLC, a Delaware limited liability company,

Plaintiffs,

v.

PROLOY PONDIT; and DOES 1-20, d/b/a
Bigboostup.com,

Defendants.

No. 2:24-cv-01756-KKE

**DECLARATION OF SCOTT
COMMERSON IN SUPPORT OF
PLAINTIFFS' *EX PARTE* MOTION
FOR EXPEDITED DISCOVERY**

I, Scott Commerson, declare and state as follows:

1. I am a partner at Davis Wright Tremaine LLP and represent Plaintiffs Amazon.com, Inc. and Amazon.com Services LLC (collectively, "Amazon") in the above-captioned matter. I am over 18 years of age. I make this declaration based on my personal knowledge and if called upon could testify under oath to the facts in this declaration.

2. Amazon works with outside counsel, including our firm, to hold bad actors who engage in fake reviews schemes accountable through civil enforcement actions, such as in the present case.

3. As outside counsel managing many of Amazon's civil enforcement actions against bad actors engaged in fraud targeting Amazon, I am familiar with Amazon's use of third-party discovery to identify and locate bad actors. In numerous actions my firm has handled, we

1 have identified bad actors responsible for illicit and deceptive schemes targeting Amazon, and
2 we amended Amazon's pleadings to name those defendants. For example, in *Amazon.com v.*
3 *Yong*, 2021 WL 1237863, at *2-3 (W.D. Wash. April 2, 2021), the court granted Amazon's *ex*
4 *parte* motion for expedited discovery to identify bad actors who sold certain counterfeit products
5 in the Amazon.com store. Amazon then amended the pleadings to name a defendant based on
6 information obtained from such discovery. *See Amazon.com v. Yong*, 2:21-cv-00170-RSM, Dkt.
7 28 (amended complaint).

8 4. In the present action, Amazon alleges that Defendants operated the website
9 Bigboostup.com ("BigBoostUp" or "Website"), which advertised and sold fake product reviews
10 to bad actors operating Amazon selling accounts. Amazon has attempted to uncover Defendants'
11 true identities and locations by: (1) working with private outside investigators, and (2) searching
12 both specialized investigative databases and public records, including the Website itself.

13 5. Through extensive investigation, Amazon uncovered that Defendant Proloy
14 Pondit was responsible for the Website and determined that he likely resides in Dhaka,
15 Bangladesh, based on Mr. Pondit's disclosures on his LinkedIn profile and his association with a
16 bank account linked to the Website. Despite its best efforts, Amazon has been unable to
17 determine a current physical address for Mr. Pondit, and Amazon has not been able to confirm
18 the identities of other bad actors involved in the operation of the Website.

19 6. Amazon's investigation revealed that the individuals responsible for BigBoostUp
20 created and maintained a financial account with First Century Bank, N.A. ("First Century"), to
21 receive funds from their fake review scheme. Amazon's investigator communicated with the bad
22 actors and obtained details of a bank account maintained at First Century. In my experience
23 handling multiple cases involving similar fact patterns, I believe that records from First Century
24 will likely disclose, among other things, the names and addresses of the holders of the bank
25 account associated with the Website, as well as deposits and withdrawals of funds to and from
26 such bank account, which may help determine Defendants' locations.

1 7. In addition, based on my prior experience serving subpoenas on First Century, I
2 believe it is likely that First Century is acting as an automated clearinghouse (“ACH”) for the
3 virtual payment service provider Payoneer Global Inc. (“Payoneer”). In prior actions in which
4 my firm has subpoenaed First Century, it responded that the records requested within the
5 subpoena were created and maintained by Payoneer, as part of a “special use” account opened
6 exclusively to receive ACH funds. Payoneer, in turn, has confirmed that it will accept subpoenas
7 related to First Century accounts. Our firm then proceeded to issue subpoenas to Payoneer, and
8 Payoneer produced documents regarding the subject accounts. Consequently, because we
9 anticipate that First Century may be acting as an automated clearinghouse for Payoneer, Amazon
10 is seeking permission to serve subpoenas *duces tecum* on both First Century and Payoneer in
11 order to identify and locate the relevant accountholders connected to the Website.

12 8. Amazon’s investigation further revealed that Defendants used the domain
13 registrar Namecheap, Inc. (“Namecheap”) to register the domain name Bigboostup.com.
14 Namecheap’s records will likely disclose, among other things, the names and contact information
15 that Defendants provided when they registered the domain, the internet protocol addresses from
16 which Defendants logged into their account to maintain the domain, and Defendants’ payment
17 information in connection with purchasing the domain.

18 9. Amazon’s investigation revealed that Mr. Pondit registered and maintained an
19 account on the professional networking website operated by LinkedIn Corporation (“LinkedIn”).
20 LinkedIn’s records will likely disclose, among other things, the contact information that Mr.
21 Pondit provided LinkedIn when he registered the account, as well as the internet protocol
22 addresses from which Mr. Pondit logged into the account. This information will assist Amazon
23 in locating Mr. Pondit.

24 10. The subject subpoenas will be narrowly tailored to seek documents concerning
25 the identities and locations of Defendants and of the bad actors involved in their scheme. The
26 subpoenas are intended to uncover crucial information about Defendants’ fake reviews operation
27

1 and the individuals behind it in order to hold Defendants and their conspirators legally
2 accountable for their misconduct.

3
4 I declare under penalty of perjury that the foregoing is true and correct to the best of my
5 knowledge.

6
7 EXECUTED this 6th day of December, 2024, at Los Angeles, California.

8
9 
Scott Commerson